

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DENGE LEMO GAHANO,

Petitioner,

v.

DANIEL M. RENAUD, et al.,

Respondents.

Case No. C20-1094-MJP-MLP

ORDER DENYING FOURTH
MOTION FOR STAY OF REMOVAL

This is a 28 U.S.C. § 2241 immigration habeas action on Petitioner's fourth motion seeking a stay of removal ("Petitioner's Motion"). (Dkt. # 25.)

On July 15, 2020, Petitioner filed his first motion seeking an emergency stay of removal. (Dkt. # 2.) The Court denied the motion the following day because Petitioner failed to demonstrate he satisfied any of the factors required to obtain a stay. (Dkt. # 5.) On August 6, 2020, Petitioner filed a second motion seeking an emergency stay of removal. (Dkt. # 7.) The Court subsequently denied this motion on August 7, 2020, because Petitioner failed to support his relief request with substantive argument. (Dkt. # 11.) On August 10, 2020, Petitioner filed a third motion for a stay of removal. (Dkt. # 12.) Because Petitioner was already subject to a stay

1 of removal by the Ninth Circuit at that time, the Court denied Petitioner's motion on August 14,
2 2020. (Dkt. # 15.)

3 On November 9, 2020, Petitioner, proceeding *pro se* at the time, filed his present Motion.
4 (Dkt. # 25.) On November 25, 2020, upon request by the Court for an update on Petitioner's
5 removal status, Respondents notified the Court that the Ninth Circuit terminated Petitioner's stay
6 of removal on November 2, 2020, and that Petitioner had refused to sign his travel document
7 application on November 3, 2020. (Dkt. # 27.)

8 On January 8, 2021, Respondents filed a response to Petitioner's Motion. (Dkt. # 30.) On
9 January 12, 2021, Respondents notified the Court that Petitioner had again refused to sign his
10 travel document application and that Respondents were now in the process of charging him with
11 Failure to Depart, in violation of 8 U.S.C. § 1253(a). (Dkt. # 31.) Because of the nature and
12 complexity of the arguments raised in Petitioner's underlying 28 U.S.C. § 2241 habeas petition
13 (dkt. # 9), the Court appointed Petitioner pro bono counsel on January 26, 2021. (Dkt. # 33.)

14 On February 11, 2021, the Court granted Petitioner's pro bono counsel leave to file a
15 reply regarding Petitioner's Motion. (Dkt. # 37.) In his reply, Petitioner's counsel represents that,
16 following his review of the record and of the arguments presented by Respondents, "counsel is
17 not aware of a legal basis for a stay of removal at the present time." (Dkt. # 39 at 3.)

18 Accordingly, the Court DENIES Petitioner's fourth motion for a stay of removal (dkt. #
19 25). The Clerk is directed to send a copy of this Order to the parties and the Honorable Michelle
20 L. Peterson.

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1 DATED this 12th day of March, 2021.

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4 MARSHA J. PECHMAN
5 United States District Judge
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7 Recommended for Entry
8 this 11th of March, 2021.

9 /s/ Michelle L. Peterson
10 MICHELLE L. PETERSON
11 United States Magistrate Judge
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